

TWENTIETH DAY
(Wednesday, February 16, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Marvin Griffin, Ebenezer Baptist Church, Austin, offered the invocation as follows:

Gracious God, our Father, Thou who art the eternal foundation on which every good law is established, guide, enlighten, strengthen, and sustain each member of the Texas Senate in the task of making just and good laws designed to improve the quality of life for all.

Grant that the letter of the law may be imbued with clarity; and the spirit of the law possessed by purity.

Hear us, we pray O Lord, Thou who art the Great Law Giver, our Judge and our Redeemer. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.C.R. 37 (Ordered not printed)

S.R. 80

S.C.R. 34 (Ordered not printed)

S.C.R. 39 (Ordered not printed)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 265 (Amended)

S.B. 383

S.B. 72 (Amended)

C.S.S.B. 459 (Read first time)

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 353

S.B. 358

S.B. 131

S.C.R. 35

C.S.S.B. 507 (Read first time)

C.S.S.B. 111 (Read first time)

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S.B. 188

S.B. 330

S.B. 331

H.C.R. 44

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 613 by Moore

State Affairs

Relating to workmen's compensation for employees of The Texas A & M University System; amending Sections 13, 14, and 15 of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

S.B. 614 by Aikin

Education

Relating to the authority of the Central Education Agency to allocate and distribute certain federal funds to the public junior colleges.

S.B. 615 by Adams, Jones of Harris, Mauzy

Economic Development

Relating to the size, term, interest, and disclosure requirements of certain regulated loans; amending Chapter 3, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-3.01, et seq., Vernon's Texas Civil Statutes), as follows: amending Section (1) of Article 3.01; adding Article 3.011; amending Article 3.09; amending Section (1) of, and adding Sections (1A) through (1C) to, Article 3.15; amending Article 3.21; and adding Article 3.23.

S.B. 616 by Jones of Harris

Jurisprudence

Relating to the allowance in lieu of exempt property; amending Section 273, Texas Probate Code; and declaring an emergency.

S.B. 617 by Jones of Harris

Jurisprudence

Relating to the amount of funeral and last sickness expenses in the order of payment of claims in the administration of estates; amending Subsection (a), Section 320, Texas Probate Code; and declaring an emergency.

S.B. 618 by Jones of Harris

Jurisprudence

Amending Subsection (d), Section 5, Texas Probate Code, as amended, to provide that all courts exercising original probate jurisdiction shall have the jurisdiction to hear all matters incident to an estate and to provide that such jurisdiction shall apply to Independent Executors, Independent Administrators, Community Administrators or surviving spouse as the surviving partner of the marital partnership; and declaring an emergency.

S.B. 619 by Traeger

Jurisprudence

Relating to misuse of rental linens or garments and their accessories; providing penalties; amending Chapter 17, Business & Commerce Code, as amended, by adding Section 17.31.

S.B. 620 by Braecklein

Jurisprudence

Relating to the authority of municipal courts to commit persons whose commission of a misdemeanor results from chronic use of alcohol, to a special treatment facility in lieu of the imposition of a sentence or fine; amending Section 12, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5561c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 621 by Mauzy

Intergovernmental Relations

Relating to the assignment, rights, and duties of judges of the special juvenile courts and domestic relations courts under the Administrative Judicial Act; amending Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), by adding Section 12.

S.B. 622 by Schwartz

Economic Development

Relating to the regulation of the weight of commercial motor vehicles on the public roadways; providing penalties; amending Section 9-c, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes).

S.B. 623 by Longoria

Jurisprudence

Relating to the creation, jurisdiction, administration, and procedures of the Texas Statewide Court; providing for appeal and making other provisions relative to this court.

S.B. 624 by Schwartz, Braecklein

Natural Resources

Establishing a license for the commercial taking, transporting and sale of red drum in coastal waters of the State of Texas, providing for the dates of issuance of such licenses, establishing a daily possession limit for those persons holding such licenses; providing bag and possession limits for persons holding sports fishing licenses and regulating the use of nets and saltwater trotlines.

S.B. 625 by Farabee

Economic Development

Relating to the regulation of public grain warehouses; amending the Texas Grain Warehouse Act, as amended (Article 5577b, Vernon's Texas Civil Statutes), as follows: amending Subsection (d) of Section 2, Subsections (b) and (c) of Section 7, Subsection (b) of Section 8, Section 15, Subsection (c) of Section 23, and Section 25, and adding Subsections (k), (l), and (m) to Section 2 and Subsections (d) and (e) to Section 20.

S.B. 626 by Ogg

Finance

Relating to the exemption from ad valorem taxation of properties dedicated to the preservation of wildlife and the conservation of wildlife areas, owned by non-profit organizations devoted to such purposes; amending Article 7150, Title 122, Taxation, Revised Civil Statutes of Texas, 1925, as amended by amending Sections 22 and 22a; and declaring an emergency.

S.B. 627 by Ogg

State Affairs

Relating to the time of meeting of the legislature; amending Article 5422, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S.B. 628 by Ogg

State Affairs

Relating to the appointment of presiding judges and clerks in certain elections, amending Section 15, Texas Election Code, as amended (Article 3.01, Vernon's Texas Election Code), and declaring an emergency.

S.B. 629 by Ogg

Education

Relating to the authority of certain cities to assume control of school districts within their territorial limits; amending Subsection (a), Section 19.161, Texas Education Code.

S.B. 630 by Hance

Education

Providing for nonvoting student and faculty representatives on the governing boards of institutions of higher education; amending Subchapter Z, Chapter 51, Texas Education Code, by adding Section 51.907; and declaring an emergency.

S.B. 631 by Hance

Economic Development

Relating to the authority of a corporation to make a guaranty; amending Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon's Texas Civil Statutes).

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H.C.R. 45, To Committee on Administration.

MESSAGE FROM THE HOUSE

House Chamber
February 16, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 307, A bill to be entitled An Act relating to the authority of a justice of the peace and a medical examiner to permit the taking of corneal tissue for transplants; and providing immunity in certain civil suits.

H.B. 308, A bill to be entitled An Act relating to required training for certain persons who may enucleate eyes for anatomical donations and declaring an eye bank as a legal donee of an anatomical gift; amending Sections 2 and 4 of the Texas Anatomical Gift Act (Article 4590-2, Vernon's Texas Civil Statutes).

H.B. 459, A bill to be entitled An Act relating to restricting driving privileges to occupational, rehabilitation, or educational purposes after conviction of certain offenses; amending Subsection (a), Section 25, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes).

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 95 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 95, A bill to be entitled An Act relating to authority to close certain medical facilities owned by a county; amending Article 4478, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 95 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 95** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Adams, Jones of Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Jones of Harris.

COMMITTEE SUBSTITUTE SENATE BILL 527 ON SECOND READING

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 527, Amending Section 2, Chapter 274, pages 646 and 609, Acts of the 60th Legislature, Regular Session 1967, (Art. 5069-6.05(7) and Art. 5069-6.01(a), Vernon's Texas Civil Statutes), providing for a first lien on certain property.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take take up **C.S.S.B. 527** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino,

Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Traeger, Williams.

Nays: Doggett, Patman, Schwartz, Snelson, Truan.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Traeger, Williams.

Nays: Doggett, Patman, Schwartz, Snelson, Truan.

COMMITTEE SUBSTITUTE SENATE BILL 527 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 527** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Traeger, Williams.

Nays: Doggett, Patman, Schwartz, Snelson, Truan.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Traeger, Williams.

Nays: Doggett, Patman, Schwartz, Snelson, Truan.

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave Notice that he would move for an Executive Session of the Senate at 11:00 o'clock a.m. tomorrow.

COMMITTEE SUBSTITUTE SENATE BILL 142 ON SECOND READING

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 142** be taken up for consideration at this time:

C.S.S.B. 142, Relating to the establishment of guidelines for personnel; administration for employees of public institutions of higher education; providing for authority, responsibility and duties of the Coordinating Board, Texas College and University System, and for the Governing Boards of institutions of higher education regarding employment policies and practices; repealing all laws in conflict and declaring an emergency.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 142 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 142** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 15 ON
SECOND READING**

On motion of Senator McKnight and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 15, Proposing a constitutional amendment to limit the duration of the holdover authority of gubernatorial appointees to public offices and to state the effect of the senate's failure to act on an appointment that has been submitted to it.

The resolution was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Ogg asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 15 ON
THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Ogg.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Ogg.

SENATE BILL 87 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 87, A bill to be entitled An Act relating to certain unauthorized uses of food stamp coupons and of authorizations to purchase food stamp coupons; providing penalties; amending the Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Section 7-B.

There was objection.

Senator Traeger then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 87** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 87** by amending line 16, page 1 by changing the figure "\$100," to read "\$200," and line 17, page 1 by changing the figure "\$100" to read "\$200."

The committee amendment was read.

On motion of Senator Traeger, the committee amendment was tabled.

Senator Hance offered the following amendment to the bill:

Amend **S.B. 87** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), is amended by adding Section 7-B; to read as follows:

"Section 7-B. (a) A person commits an offense if he knowingly uses, alters, or transfers food stamp coupons or authorizations to purchase food stamp coupons in any manner not authorized by law. An offense under this subsection is a Class A misdemeanor if the value of the coupons or authorization cards is less than \$200 and a felony of the third degree if the value of the coupons or authorization cards is \$200 or more.

(b) A person commits an offense if he knowingly possesses food stamp coupons or authorizations to purchase food stamp coupons when he is not authorized by law to possess them, if he knowingly redeems food stamp coupons when he is not authorized by law to redeem them, or if he knowingly redeems food stamp coupons for purposes not authorized by law. An offense under this subsection is a Class A misdemeanor if the value of the coupons or authorization cards is less

than \$200 and a felony of the third degree if the value of the coupons or cards is \$200 or more.

(c) A person commits an offense if he knowingly possesses blank authorizations to purchase food stamp coupons when he is not authorized by law to possess them. An offense under this subsection is a felony of the third degree.

"(d) When food stamp coupons or authorizations to purchase food stamp coupons of various values are obtained in violation of this section pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the values aggregated in determining the grade of the offense."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 87 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

SENATE BILL 34 ON SECOND READING

Senator Moore moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 34** be taken up for consideration at this time:

S.B. 34, A bill to be entitled An Act relating to the effect of certain speeding violations on insurance availability and premiums and on drivers' license suspensions; amending Section 169B, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Subsections (k) and (l).

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Doggett, Jones of Taylor, Sherman.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Moore offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill 34 by deleting quoted Subsection (l) and substituting in lieu thereof the following:

"(l) No rating plan promulgated by the State Board of Insurance shall assign any rate consequence to a conviction or otherwise cause premiums for automobile insurance to be increased because of a conviction for a violation of a maximum prima facie speed limit established under this section unless the violator was exceeding the maximum applicable speed limit for the type of vehicle driven as provided under this Act as the speed limit existed prior to the enactment of this section."

The committee amendment was read and was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Doggett, Jones of Taylor.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Senator Meier offered the following amendment to the bill:

Amend **S.B. 34** by deleting Section 1 and inserting therefor the following:

"Section 1. Section 169B, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is repealed."

The amendment was read.

Senator Adams raised the Point of Order that the amendment was not germane to the bill.

The President sustained the Point of Order.

The bill as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Doggett, Jones of Taylor, Meier, Sherman.

SENATE BILL 34 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Doggett, Jones of Taylor, Meier, Sherman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Doggett, Jones of Taylor, Meier, Sherman.

COMMITTEE SUBSTITUTE SENATE BILL 39 ON SECOND READING

Senator Schwartz asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 39, Creating the Texas Adult Probation Commission and providing for its powers and duties; amending Code of Criminal Procedure, 1965, as amended, by adding Article 42.121, amending Section 10, Article 42.12 of the Code of Criminal Procedure 1965, as amended.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 39** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Hance, Harris, McKnight, Moore.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

SECTION 5, ARTICLE III OF CONSTITUTION SUSPENDED

Senator Adams moved that Section 5 of Article III of the State Constitution be suspended as it applies to the bills and resolutions on the Local and Uncontested Bills Calendar for Thursday, February 17, 1977.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower.

Absent: McKnight.

MEMORIAL RESOLUTIONS

S.R. 209 - by Snelson: Memorial resolution for Albert J. Bierschwale.

S.R. 210 - by Snelson: Memorial resolution for Henry J. Schmidt.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 206 - by Doggett: Extending welcome to the Reverend Marvin Griffin.

S.R. 207 - by Adams: Extending congratulations to J. T. Alders.

S.R. 208 - by Snelson: Extending congratulations to Sheriff J. R. Koog.

S.R. 211 - by Clower: Extending welcome to Craig Curry.

S.R. 212 - by Clower: Extending welcome to Hugh Grandstaff.

S.R. 213 - by Clower: Extending welcome to Rick McMichael.

S.R. 214 - by Clower: Extending welcome to Bragg Stockton.

RECESS

On motion of Senator Creighton the Senate at 12:06 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(February 15, 1977)

S.B. 188

S.B. 331

Sent to Comptroller

(February 15, 1977)

S.B. 330

TWENTIETH DAY

(Continued)

(Thursday, February 17, 1977)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Jones of Harris.